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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE MICHAEL M. ANELLO)

**Declaration of counsel in support
of motion to remove Exhibit C
to discovery-related motions (CR 108)
from the protective order**

20 I, John C. Lemon, declare under penalty of perjury:

21 1. I am over the age of 18 and competent to testify. I am one of two attorneys
22 of record for Jose Susumo Azano Matsura in this case.

23 2. I submit this declaration in support of the accompanying application to
24 remove the documents contained in Exhibit C to Mr. Azano's discovery-related motions
25 (CR 108) filed on this date from the protective order that is currently in place and to
26 permit Exhibit C to be publicly filed.

27 3. In the interim and in the alternative, I am submitting an ex parte application
28 for the Court to receive Exhibit C under seal.

1 4. Exhibit C is composed of selected discovery, which is subject to a protective
2 order. Much of this discovery (e.g., the redacted FBI reports documenting its
3 investigation of Sempra for violations of the Foreign Corrupt Practices Act) is already in
4 the public domain, available through a FOIA request. Another lengthy document, Mr.
5 Azano's complaint letter to the FBI and the Inspector General regarding HSI Agent John
6 Chakwin III, was generated by a lawyer working for Mr. Azano and there is not any
7 reason that it should be subject to a protective order for documents originating from the
8 government and produced in discovery. And the rest of the documents (excerpts from
9 Reports of Investigation and selected pleadings drafted by government agents and lawyers
10 in support of electronic surveillance) do not – at least in my view – implicate the privacy
11 concerns of any “uncharged individuals.”

12 5. In its response in opposition filed on August 18, 2014, the government stated
13 that “the defense may publicly file any document upon a successful motion to unseal and
14 advance notice to the United States.” CR 45 at 31.

15 6. Mr. Azano accordingly moves this Court to remove the documents contained
16 in Exhibit C to his motions (CR 108) from the protective order and to permit him to
17 publicly file it.

18
19 I state the foregoing is true and correct to the best of my knowledge.

20
21 Dated: June 5, 2015

22 _____
23 /s/ John C. Lemon
24 JOHN C. LEMON

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